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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,560	11/10/1999	DAVID J. KURLANDER	662005.469C1	8160

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EXAMINER

PILLAI, NAMITHA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,560

Applicant(s)

KURLANDER ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-22 and 26-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 and 26-37 is/are allowed.
- 6) ☒ Claim(s) 38-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 6/28/05, including amendments to claims 38, 39, 43 and 47 to better specify the present invention. However, in light of these broad claims, prior art has been found, wherein the features of claims 38-47 have been previously taught. Therefore, claims 38-47 have been rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38-47 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 5,498,003 (Gechter).

Referring to claims 38 and 47, Gechter discloses a system that generates a user interface output controller (column 1, lines 42-47). Gechter discloses a compiler that compiles one or more specifications regarding a plurality of goal UIOSes, wherein code has been disclosed, being run or executed in relation to the goal UIOSes, the compiler being the computer system described used for running or executing the code (column 9, lines 45-57). Gechter discloses a compiled user interface output controller, generated

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by the compiler, that is distinct from an application program (column 2, lines 36-40).

Gechter discloses the user interface output controller receiving an event from the application program identifying one of the goal UIOSes (column 10, lines 25-30).

Referring to claim 39, Gechter discloses an input component to receive the event from the application program (column 4, lines 44-55). Gechter discloses a first determinor that determines a current user interface output state in a user identifies one or more goal user interface output states interface output sequence. Gechter discloses a second determinor that determines a sequence of operators which transform the determined current user interface output state into at least one intermediate user interface output state and then into the identified goal user interface output state. Gechter discloses a sequencer that comprises a sequence of operators that after execution of each operator in sequence other than the last operator, the precondition of a next operator in the sequence is satisfied. Gechter discloses an executor that executes the sequence of operators to transform the determined current user interface output state into the at least one intermediate user interface output state and then into the identified goal user interface output state so as to display the sequence of operators on a display device. See column 10, lines 1-15. Gechter discloses a sequence based on interaction, wherein a current use interface is determined by determining the position of the elephant and mouse and wherein based on actions of each character, the actions being the operators, these sequence determines the intermediate interface and leads to the goal output state, with the mouse escaping or retreating.

Referring to claim 40, Gechter discloses that the received event identifies a timing specification that determines the time in which the sequence of operators is performed (column 10, lines 55-67).

Referring to claim 41, Gechter discloses a timer that determines the time in which the sequence of operators is performed (column 10, lines 55-67), wherein the instance is calculated based on operator parameters of the character, wherein the instance is represented for that current time.

Referring to claim 42, Gechter discloses a storage that stores the compiled user interface output controller in memory (column 2, lines 45-50).

Referring to claim 43, Gechter discloses a method for generating a user interface output controller by retrieving at least one specification identifying at least one goal user interface output state for the user interface output controller to establish (column 9, lines 45-55). Gechter discloses at least one specification further comprising at least one operator for specifying actions to be performed by the compiled user interface output controller, each operator having least one precondition to be satisfied before the operator can be executed (column 10, lines 1-5). Gechter discloses compiling the at least one specification to create a user interface output controller distinct from an application program (column 10, lines 21-31). Gechter discloses the user interface output controller receiving an event from the application program, the event identifying one of the goal user interface output state (column 10, lines 25-30).

Referring to claim 44, Gechter discloses identifying a timing specification

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which determines the time in which the sequence of operators is to be performed (column 10, lines 55-67).

Referring to claim 45, Gechter discloses determining the time in which the sequence of operators is performed (column 10, lines 55-67).

Referring to claim 46, Gechter discloses storing the compiled user interface output controller in memory (column 2, lines 45-50).

Response to Arguments

3. Applicant's arguments filed 6/28/05 have been fully considered but they are not persuasive.

Claims 38-47 disclose certain features that have been considered unique in previously allowed independent claims. It is pointed out that these claims have been allowed for further including specific other details that are not clearly taught in the currently rejected claims. The allowed independent claims distinctly point out the separate entities of a user interface output controller and application program but further teaches detailed steps of the output controller and relationship between the application program that have not been taught in the claims 38-47, therein these claims not being allowable.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery." The official notice dated June 20, 2005 also includes an "updated list of exceptions to the centralized delivery and facsimile transmission policy for patent related correspondence." Questions regarding this notice may be e-mailed to Patentpractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Namitha Pillai
Assistant Examiner
Art Unit 2173
September 19, 2005


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173